

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED

JUN 24 2016

CLERK, U.S. DISTRICT COURT

By _____
Deputy

UNITED STATES OF AMERICA

v.

No. 4:16-MJ-397

MARK STUTHEIT (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about June 17, 2016, **Mark Stutheit**, defendant, knowingly received any visual depiction using any means or facility of interstate or foreign commerce and the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

Specifically, **Stutheit** used the Internet to receive the following visual depiction:

File name	File description
023_123.jpg	Visual depiction of a nude prepubescent minor female lying supine on a couch. The minor is using her hands to spread her genitals apart while she digitally penetrates her vagina. The focus of the image is on the minor's genitals.

In violation of 18 U.S.C. § 2252(a)(2).

INTRODUCTION

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since November 2007.

As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, transportation, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or about June 17, 2016, in the Northern District of Texas, **Mark Stutheit** committed the offense of Reciept of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2), which makes it a crime for any person to knowingly receive any visual depiction using any means or facility of interstate or foreign commerce and the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

4. The information contained in this affidavit is from my personal knowledge of the described investigation and from information obtained from other law enforcement agents.

OVERVIEW OF INVESTIGATION

5. In May of 2016, an undercover Police Officer with the Queensland Police Service (Brisbane, Queensland, Australia) identified a profile on a website known by law enforcement to be used extensively by persons interested in exchanging images depicting child pornography to meet and become trading partners. The user, identified by username as "OLDMANYG," had created albums labeled as "Cute butts," "Bikinis," and "9 y/o school girls." The album titled "9 y/o school girls" was password protected. The open album named "Cute butts" contained fourteen photos of prepubescent minor females wearing bathing suits; all of the photos were taken from behind, showcasing the back side of their body. Comments from OLDMANYG and other users indicate a sexual interest in the minors depicted in the photos. For example, on May 23, 2016, OLDMANYG posted the following comment to one of his photos depicting a close-up image of a minor female's buttocks in a swimming suit: "want to kiss it." On a separate photo depicting a minor female wearing a bathing suit and looking back toward the camera, OLDMANYG posted the comment: "love to look and dream." The User Info for OLDMANYG stated "Beauty is beauty, inspires feelings that not acted on. Imagination is wonderful." The account was registered on May 20, 2016.

6. The undercover officer posted a message to one of OLDMANYG'S photos and OLDMANYG responded from his e-mail account, identified as "fmya2x@gmail.com." OLDMANYG and the undercover officer began exchanging e-mails about the sexual exploitation of children. In an e-mail dated May 24, 2016, OLDMANYG advised the undercover officer that he once had nude images of children, but his hard drive crashed and he would have to spend time searching his back-up to locate them.

7. The undercover officer obtained IP logs from Website A regarding user OLDMANYG and determined the IP address associated with the account was 162.236.27.3, which is owned by Internet Service Provider AT&T; the IP address geolocates to the Fort Worth, Tarrant County, Texas area. The undercover officer subsequently sent all corresponding information related to this investigation to the HSI Cyber Crimes Center (C3) for consideration. C3 subsequently forwarded the information to the HSI Dallas, Texas field office.

8. On May 25, 2016, I sent a DHS summons to AT&T for subscriber information related to IP address 162.236.27.3. AT&T responded to the summons and provided the following information:

Name: **Mark Stutheit**
Address: 820 Sequoia Way, Saginaw, Texas 76131
Phone: [redacted]-7038
IP Start Date: May 18, 2016
IP End Date: May 22, 2016

9. On June 17, 2016, I obtained a federal search warrant for Stutheit's residence on Sequoia Way, which was executed on June 23, 2016. I made contact with **Stutheit** and advised him of his Miranda rights, which he waived and agreed to speak with me. **Stutheit** stated he created a profile on a website (this website is known to law enforcement) and uploaded albums containing images of young girls for the purpose of communicating with other users about the young girls. **Stutheit** advised his username on the website was OLDMANYG and that he recently created the account and had begun chatting with numerous individuals from the website about the sexual exploitation of minors. **Stutheit** stated he began receiving e-mails with attachments containing child pornography from other users and he would download the material and save it to folders on his Compaq laptop; **Stutheit** also admitted to storing the images in his Dropbox¹ account. **Stutheit** told me that child pornography would be found on his Compaq computer, Samsung tablet and his Samsung cellular phone.

10. As a result of forensic findings, numerous files containing child pornography were located on **Stutheit's** computer and mobile devices. One such image located on **Stutheit's** Compaq laptop computer at File Path Users/test/Dropbox/veronica/023_123.jpg depicted a nude prepubescent minor female lying supine on a couch. The minor is using her hands to spread her genitals apart while she digitally penetrates her vagina.

¹ Dropbox is a service that allows its users to store and share files on Dropbox's servers.

The focus of the image is on the minor's genitals. The forensic findings indicated that the file was created on **Stutheit's** computer on or about June 17, 2016. I have reviewed the image, and it appears to depict a real minor female engaged in sexually explicit conduct.

11. I showed **Stutheit** the images from the "Veronica" folder, which was also saved in the Dropbox application on his Samsung tablet, and **Stutheit** stated he received the images via e-mail from an individual he met on the website "recently" and he uploaded them to his Drobox account by using the Internet.

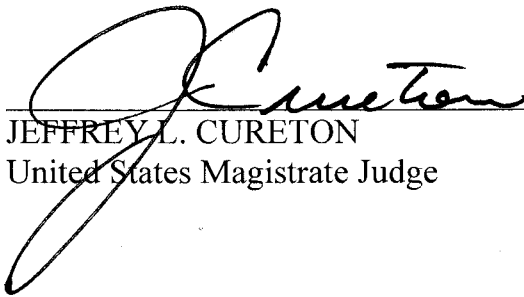
12. I am aware that the Internet is a means and facility of interstate and foreign commerce.

CONCLUSION

13. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about June 17, 2016, in the Northern District of Texas, **Mark Stutheit** committed the offense of Receipt of Child Pornography, in violation of 18 U.S.C. §2252(a)(2).


Amanda Johnson
Special Agent
Department of Homeland Security Investigations

Subscribed and sworn before me this 24 th day of June, 2016, at 1:47 a.m./p.m., in Fort Worth, Texas.


JEFFREY L. CURETON
United States Magistrate Judge